

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
)	
Defendant.)	

**PLAINTIFF ePLUS, INC.'S MOTION FOR JUDGMENT OF A MATTER OF LAW OF
DIRECT AND INDIRECT INFRINGEMENT PURSUANT TO FED. R. CIV. P. 50(a)
AND 35 U.S.C. § 271(a), (b), AND (c)**

Craig T. Merritt (VSB #20281)
Henry I. Willett, III (VSB #44655)
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
Telephone: (804) 697-4100

Attorneys for Plaintiff, ePlus Inc.

Scott L. Robertson (admitted *pro hac vice*)
Jennifer A. Albert (admitted *pro hac vice*)
David M. Young (VSB#35997)
GOODWIN PROCTER LLP
901 New York Avenue, N.W.
Washington, DC 20001
Telephone: (202) 346-4000

Michael G. Strapp (admitted *pro hac vice*)
James D. Clements (admitted *pro hac vice*)
GOODWIN PROCTER LLP
Exchange Place
53 State Street
Boston, MA 02109-2881
Telephone: (617) 570-1000

Pursuant to Federal Rule of Civil Procedure 50(a), Plaintiff *ePlus, Inc.* (“*ePlus*”), by counsel, respectfully moves for judgment as a matter of law that Defendant Lawson Software, Inc. (“*Lawson*”), infringes all the asserted claims of the patents-in-suit, both directly and/or indirectly (and both through inducement of infringement and/or contributory infringement). As was argued before the Court on Friday, January 21 in support of *ePlus*’s oral motion, Lawson has been fully heard on the infringement issues, and a reasonable jury would not have a legally sufficient evidentiary basis to find for Lawson as to its infringement of asserted claims 3, 26, 28, and 29 of United States Patent No. 6,023,683 (or, “the ‘683 Patent”), claims 1, 2, 6, 9, 21, 22, and 29 of United States Patent No. 6,055,516 (or, “the ‘516 Patent”), and claim 1 of United States Patent No. 6,505,172 (or, “the ‘172 Patent”). Accordingly, *ePlus* respectfully requests that the Court grant judgment as a matter of law that the accused configurations of Lawson’s S3 system infringe all the asserted claims, both directly, and indirectly (through both inducement of infringement and contributory infringement), pursuant to 35 U.S.C. § 271(a), (b), and (c).¹ In support of this motion, *ePlus* relies upon the full evidentiary record admitted during the infringement phase of this case. The grounds for this motion are more fully set forth in the accompanying brief in support.

¹ Pursuant to the parties’ stipulation in the Final Pretrial Order, Lawson agreed that any adjudication of infringement of the S3 system applies also to its M3 system. Accordingly, the Court’s grant of judgment as a matter of law should apply to the M3 system as well.

Respectfully submitted,

January 23, 2011

/s/

David M. Young (VSB #35997)
Scott L. Robertson (*admitted pro hac vice*)
Jennifer A. Albert (*admitted pro hac vice*)
Counsel for Plaintiff ePlus, Inc.
GOODWIN PROCTER LLP
901 New York Avenue, N.W.
Washington, DC 20001
Telephone: (202) 346-4000
Facsimile: (202) 346-4444
dyoung@goodwinprocter.com
srobertson@goodwinprocter.com
jalbert@goodwinprocter.com

Craig T. Merritt (VSB #20281)
Henry I. Willett, III (VSB #44655)
Counsel for Plaintiff ePlus, Inc.
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
Telephone: (804) 697-4100
Facsimile: (804) 697-4112
cmerritt@cblaw.com
hwillett@cblaw.com

Michael G. Strapp (*admitted pro hac vice*)
GOODWIN PROCTER LLP
Exchange Place
53 State Street
Boston, MA 02109-2881
Telephone: (617) 570-1000
Facsimile: (617) 523-1231
mstrapp@goodwinprocter.com

Attorneys for Plaintiff, ePlus Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of January, 2011, I will electronically file the foregoing

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with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

Daniel McDonald, *pro hac vice*
William D. Schultz, *pro hac vice*
Rachel C. Hughey, *pro hac vice*
Andrew Lagatta, *pro hac vice*
MERCHANT & GOULD
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 332-5300
Facsimile: (612) 332-9081
lawsonservice@merchantgould.com

Robert A. Angle, VSB#37691
Dabney J. Carr, IV, VSB #28679
Megan C. Rahman
TROUTMAN SANDERS LLP
P.O. Box 1122
Richmond, Virginia 23218-1122
(804) 697-1238
(804) 698-5119 (Fax)
robert.angle@troutmansanders.com
dabney.carr@troutmansanders.com
megan.rahman@troutmansanders.com

Counsel for Defendant Lawson Software, Inc.

/s/

David M. Young (VSB #35997)
GOODWIN PROCTER LLP
901 New York Avenue, N.W.
Washington, DC 20001
Telephone: (202) 346-4000
Facsimile: (202) 346-4444
dyoung@goodwinprocter.com